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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/737,841 | 12/14/2000 | Donald F. Gordon | 19880003900 | 9495 |

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EXAMINER

JEANTY, ROMAIN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3623

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,841

Applicant(s)

GORDON ET AL.

Examiner

Romain Jeanty

Art Unit

3623

Mh

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18, 21-24 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 21-24 and 29-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13, 16-18, 21-24 and 29-32 are presented for examination

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-9, 11-13, 16-18, 21-24 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Hendricks et al (U.S. Patent No. 6,539,548) in view of Alonso et al (U.S. Patent No. 6,184,873) and further in view of DeFreeze et al (U.S. Patent No. 6,493,876).

As per claims 1, 6, 7, 8-9, 29-32 as best understood, Hendricks et al discloses an operations center for a television program packaging and delivery system comprising:

receiving via a back channel, subscriber selections associated with at least one IPG page (col. 6, lines 36-45; col. 9, lines 55-59);

determining, at said service provider equipment, trend data "demographic information" associated with at least one subscriber, said trend data representative repeated subscriber selections occurring at said subscriber equipment (a database for collecting demographic information about the subscriber) (col. 14, lines 34-38).

Art Unit: 3623

Providing programming to the subscriber based on the trend data "demographic data" to said at least one subscriber (i.e. deliver the program to the subscriber's set-top-terminal) (col.18, lines 37-50).

Hendricks et al does not disclose a back channel and a forward distribution channel, and the providing video-on-demand (VOD) to subscribers. Alonso et al, in the same field of endeavor, discloses an interactive information distribution system comprising a back channel, forward distribution channel and the provision of video-on-demand (VOD)to subscribers. Thus, it would have been obvious to a person of ordinary skill in the art to modify the disclosures of Hendricks et al to include the back channel and provision of video-on-demand to subscribers as evidenced by Alonso et al. In so doing, would allow that a subscriber to receive requested programming information and also transmits subscriber's requested information.

As per claim 2, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 2 in the rejection of claim 1. In addition, Hendricks et al discloses stamping each event with a time of occurrence for the event (col. 29 lines 53 through col. 30 line 10).

As per claim 3, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 3 in the rejection of claim 1. In addition, Hendricks et al discloses associating each event with a source where the event occurred (col. 24, lines 11-23).

As per claim 4, Hendricks et al discloses the limitations of claim 4 in the rejection of claim 1 above. In addition, Hendricks et al discloses wherein the collected trend data is reported periodically (i.e. sending demographics of viewers during certain time period) (col. 23, lines 12-21).

As per claim 5, the combination of Hendricks et al and Alonso et al discloses the

Art Unit: 3623

limitations of claim 5 in the rejection of claim 1. In addition, Hendricks et al discloses the trend data/demographics is reported upon receiving a request for the trend data) (i.e. the communication server sending requested viewer's data) (col. 27, lines 52-57).

As per claim 11, the combinations of Hendricks et al and Alonso et al discloses the limitations of claim 11 in the rejection of claim 1. In addition, Hendricks et al discloses wherein the user inputs include a selection for a particular program provided to the terminal (col. 7, lines 38-60).

As per claim 12, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 12 in the rejection of claim 1 above. In addition, Hendricks et al discloses wherein the user inputs include a request for a particular program to be provided to the terminal (the subscriber utilizing an iconic button to make a program selection) (col. 7, lines 43-55).

As per claim 13, Hendricks et al discloses the limitations of claim 13 in the rejection of claim 1 above. In addition, Hendricks et al discloses the user navigation through a user interface (col. 6, lines 32-35) (the subscriber can navigate through a series of informative program selection menus) (col. 12, lines 62-65).

As per claim 16, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 16 in the rejection of claim 1. In addition, Hendricks et al discloses determining statistical information for the received trend data (i.e. accumulating trend data from the set-top-terminal for statistical purposes) (col. 11, lines 3-7).

As per claims 17 and 18, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 17 in the rejection of claim 1. In addition, Hendricks et al discloses polling the plurality of terminals for the trend data, wherein the terminals are randomly selected

Art Unit: 3623

for polling (col. 10, lines 33-40).

As per claim 21, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 21 in the rejection of claim 1. In addition, Hendricks et al discloses wherein each received user input corresponds to an event at the terminal, and wherein the trend data includes a plurality of events collected at the plurality of terminals (col. 29 line 53 through col. 30 line 26).

As per claim 22, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 22 in the rejection of claim 1. In addition, Hendricks et al discloses wherein the analyzing includes categorizing the events into time of day at which the events occurred (col. 29 line 53 through col. 30 line 26).

As per claim 23, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 23 in the rejection of claim 1. In addition, Hendricks et al discloses wherein the analyzing includes categorizing the events into day of week in which the events occurred (col. 29 line 53 through col. 30 line 26).

As per claim 24, the combination of Hendricks et al and Alonso et al discloses the limitations of claim 24 in the rejection of claim 1. In addition, Hendricks et al discloses geographical region of the subscriber's set-top-terminal. It would have been obvious to a person of ordinary skill in the art to include categorizing a plurality of events in the geographical regions of Hendricks. In so doing, a viewer purchasing trends, and regional interests can be tracked. Note col. 17, lines 8-11; col. 21, lines 40-46 of Hendricks et al.

Claim Rejections - 35 USC § 103

Art Unit: 3623

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al, Alonso, in view of DeFreese et al et al as applied to claim 1 above and further in view of Gordon et al (U.S. Patent 6,621,870).

As per claim10, the combination of Hendricks et al, Alonso et al and DeFreese et al discloses the limitations of claim 10 in the rejection of claim 1 above. In addition, although Hendricks et al teaches the idea of filtering data, but the combination of Hendricks et al and Alonso et al fails to explicitly disclose the selection of a particular filter icon provided in a user interface at the terminal. However, Gordon et al discloses encoding of program guides and user interfaces using a programming filter icon (col. 14, lines 34-40). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Hendricks et al and Alonso et al to incorporate the filtering icon of Gordon et al. A person having ordinary skill in the art would have been motivated to use such a modification in order to encode a plurality of interactive program guides that enable a user to interactively review, preview and select programming to for a selection systems, thereby filter out unwanted programs.

Conclusion

Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to: Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.



Romain Jeanty

Patent Examiner

Art Unit 3623

March 22, 2004